

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**ALOFT MEDIA, LLC,**

*Plaintiff,*

**v.**

**SAP AG, and  
SAP AMERICA, INC.,**

*Defendants.*

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**CIVIL ACTION NO. 6:11-CV-110**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

This is an action for patent infringement in which Plaintiff Aloft Media, LLC (“Aloft Media”) complains against SAP AG and SAP America, Inc. (collectively “SAP” or “Defendants”) as follows:

**PARTIES**

1. Plaintiff Aloft Media is a Texas limited liability company with its principal place of business at 211 W. Tyler Street, Suite C-1, Longview, TX 75601.

2. Upon information and belief, Defendant SAP AG is a German corporation with its principal place of business at Dietmar-Hopp-Allee 16, 69190 Walldorf, Germany. SAP AG does not have a registered agent for service of process in the State of Texas. Pursuant to the Federal Rules of Civil Procedure, service upon Defendant SAP AG is proper through the means authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, *opened for signature* Nov. 15, 1965, 20 U.S.T. 36 1, UNTS 163 (“Hague Convention”). In accordance with Articles 3 and 5 of the Hague Convention, Defendant SAP AG can be served by forwarding a properly formatted request, summons and complaint to the

Central Authority of the State of Baden-Württemberg of the Federal Republic of Germany, whose address is Justizministerium Baden-Württemberg, Schillerplatz 4, 70173 Stuttgart. Pursuant to Article 5(a) of the Hague Convention, Defendant SAP AG can be served by the Central Authority for the State of Baden-Württemberg in the method prescribed by the internal laws of the Federal Republic of Germany for the service of document in domestic actions upon persons who are within its territory.

3. Upon information and belief, Defendant SAP America, Inc. is a Delaware corporation authorized to do business in the State of Texas with its principal place of business at 3999 West Chester Pike, Newtown Square, Pennsylvania. Service of process may be had on SAP's registered agent, CT Corporation System, located at 350 N. St. Paul St., Dallas, Texas 75201.

#### **JURISDICTION AND VENUE**

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Defendants have transacted business in this district and have committed acts of patent infringement in this district.

6. On information and belief, each Defendant has conducted substantial business in this forum, directly or through intermediaries, such substantial business including but not limited to: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District. Thus, each Defendant is subject to this Court's specific and general personal jurisdiction pursuant to

due process and/or the Texas Long Arm Statute.

**PATENT INFRINGEMENT**

7. Aloft Media is the owner by assignment of United States Patent No. 7,712,107 (“the ‘107 patent”) entitled “Message Integration Framework for Multi-Application Systems.” The ‘107 patent issued on May 4, 2010. A true and correct copy of the ‘107 patent is attached as Exhibit A.

8. Upon information and belief, SAP has been and is now directly infringing the ‘107 patent in the State of Texas, in this judicial district, and elsewhere in the United States. SAP’s direct infringements include, without limitation, making, using, offering for sale, and/or selling within the United States, and/or importing into the United States, at least middleware systems, including without limitation SAP NetWeaver Process Integration, that infringe one or more claims of the ‘107 Patent, and any other product made, used, offered for sale, and/or sold by SAP that infringes one or more claims of the ‘107 Patent. SAP is thus liable for direct infringement of the ‘107 Patent pursuant to 35 U.S.C. § 271(a).

9. As a result of the Defendants’ infringement of the ‘107 patent, Aloft Media has suffered monetary damages that are compensable under 35 U.S.C. § 284 adequate to compensate it for the infringement, but in no event less than a reasonable royalty.

**PRAYER FOR RELIEF**

WHEREFORE, Aloft Media requests that this Court enter:

A. A judgment in favor of Aloft Media that Defendants have directly infringed the ‘107 patent;

B. A judgment and order requiring Defendants to pay Aloft Media its damages, costs, expenses, and prejudgment and post-judgment interest, and post-judgment royalties for

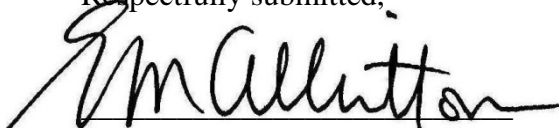
Defendants' infringement of the '107 patent as provided under 35 U.S.C. § 284;

C. Any and all other relief to which the Court may deem Aloft Media entitled.

**DEMAND FOR JURY TRIAL**

Aloft Media, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully submitted,



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